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2
3 IN THE UNITED STATES DISTRICT COURT
4
5 FOR THE NORTHERN DISTRICT OF CALIFORNIA
6

7 PAULA P. COHEN, on behalf of the United
8 States of America,

No. C 12-02301 SI

9 Plaintiff/Relator,

**ORDER FOR PLAINTIFF'S COUNSEL
TO SHOW CAUSE**

10 v.

11 LISA TRESKA, MICHAEL QUIROGA, and
12 DOES 1-100, inclusive,

13 Defendants.
14 _____/

15 This qui tam case was filed on behalf of relator Paula F. Cohen on May 8, 2012. The United
16 States declined to intervene and the case was unsealed on July 16, 2012. On August 13, 2012, the Court
17 issued an ORDER TO SHOW CAUSE, requiring plaintiff to show cause in writing why she failed to
18 appear at the Court's August 10, 2012 Case Management Conference and whether she intended to
19 continue with this action. Docket No. 4. Additionally, plaintiff was ordered to serve defendants no later
20 than September 5, 2012. This Court cautioned that, if plaintiff failed to do so, this action would be
21 dismissed without prejudice in accordance with Rule 4(m). *Id.* Plaintiff did not respond to the OSC.

22 On September 5, 2012, plaintiff filed a First Amended Qui Tam Complaint. Plaintiff did not
23 address whether she had served defendants and there was no evidence that plaintiff had served
24 defendants or otherwise complied with the Court's order re service. As such, on September 7, 2012,
25 the Court dismissed the case without prejudice for failure to timely serve under Rule 4(m). Docket No.
26 7.

27 On October 12, 2012, plaintiff's counsel John W. Reed filed a notice of the death of plaintiff and
28 a request to be allowed thirty days to serve defendants and substitute the estate of Paula P. Cohen as
plaintiff. Docket No. 9. In support of that request, Mr. Reed attached a copy of Paula Cohen's death
certificate. According to that death certificate, Mr. Reed actually reported Ms. Cohen's death to the
authorities on or about January 16, 2012 – which was some four months prior to his filing of this action

1 on her behalf. Mr. Reed's residence was listed as the "place of final disposition." *See* Docket No. 9-1.

2 It appears, therefore, that John W. Reed filed this case on May 8, 2012 on behalf of a client he
3 personally knew was dead. Therefore, Mr. Reed is ORDERED TO SHOW CAUSE in a writing filed
4 with this Court on or before **November 30, 2012**, why he should not be sanctioned for unprofessional
5 conduct in the practice of law before this Court. Such sanctions may include referral to the Standing
6 Committee on Professional Conduct, the Chief Judge, or another appropriate disciplinary authority in
7 California or the Northern District. *See* L.R. 11-6 (a). A hearing on this Order To Show Cause will be
8 held **December 7, 2012** at 9:00 a.m.

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10 **IT IS SO ORDERED.**

11 Dated: November 6, 2012

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14 SUSAN ILLSTON
15 United States District Judge
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